

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 23, 2003

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Mallano, J. and S. Beaux, Deputy Clerk.

Each of the following:

B159990 People v. Bojorquez
B159996 Teng v. Teng
B160439 People v. Carranza
B161494 People v. Zabuski
B163073 People v. Farrar
B164009 DCFS v. Victor V. et al.
B164296 People v. Murray
B164494 People v. Brown
B165385 DCFS v. Robert P.
B165956 People v. Ramirez
B168411 Diane V. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

B163964 People
v.
Richard

Merits:

Argued by Roberta Schwartz, Deputy Attorney General, for appellant and
by Mark Harvis, Deputy Public Defender, for respondent. Cause
submitted.

DIVISION ONE (Continued)

B162766 People
 v.
 Porras

Merits:

Argued by Carol Boyk for appellant and by Allison H. Chung, Deputy Attorney General, for respondent. Cause submitted.

B158248 People
 v.
 Rourke

Merits:

Argued by Dennis A. Fischer for appellant and no appearance for respondent. Cause submitted.

B156586 Naughton
 v.
 Wells Fargo Bank et al.
 Estate of Louis Cota, Jr., deceased.

Merits:

Argued by Robert L. Kern for appellant, by Charles J. Schufreider for respondent Wells Fargo Bank and by Steven L. Kester for respondent World Savings. Cause submitted.

B157669 People v. Holzboog
B165361 In re Holzboog on Habeas Corpus

Merits:

Argued by David D. Carico for appellant and by Susan L Frierson, Deputy Attorney General, for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:03 a.m.

Present: Spencer, P.J., Ortega, J., Mallano, J. and S. Beaux, Deputy Clerk.

DIVISION ONE (Continued)

B156285 People
 v.
 Foster, et al.

Merits:
Argued by Joanna McKim for appellant Foster and by David A. Wildman, Deputy Attorney General, for respondent. No appearance for appellant Scott. Cause submitted.

Court adjourned.

DIVISION TWO

B161632 Rabb-Woods (Not for Publication)
 v.
 Woods

The order modifying the October 3, 2001 final judgment in the parties' marital dissolution action is vacated. The final judgment entered on October 3, 2001 remains in full force and effect. Respondent is ordered to bear appellant's costs of appeal.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

B163008 Parrott, et al. (Not for Publication)
 v.
 The Mooring Townhomes Association, Inc.

The order awarding attorney fees is affirmed. Respondent to recover its costs and attorney fees on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B166439 Los Angeles County, D.C.S. (Not for Publication)
v.
Carolina C.

The Court:

The appeal is dismissed as abandon.

Boren, P.J., Nott, J., Ashmann-Gerst, J.

B160283 People (Not for Publication)
v.
Powell

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

B165968 People (Not for Publication)
v.
Brown

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B162034 People (Not for Publication)
v.
Quezada

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

September 23, 2003 (Continued)

DIVISION TWO (Continued)

B160386 People (Not for Publication)
v.
Balint

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B164581 Los Angeles County, D.C.S. (Not for Publication)
v.
Yerida A.

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B160434 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

September 23, 2003 (Continued)

DIVISION TWO (Continued)

B160042 People (Not for Publication)
v.
Espinoza and Espinoza

As to Jesus, the firearm use finding pursuant to section 12022.5 is stricken and the matter is remanded to the trial court for a calculation of custody credits and for correction of the abstract of judgment to reflect a section 12022.53, subdivision (b) enhancement of 10 years. In all other respects, the judgment as to Jesus is affirmed. As to Samuel, the firearm use finding pursuant to section 12022.5 is stricken and the matter is remanded to the trial court for a calculation of custody credits. In all other respects, the judgment as to Samuel is affirmed.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

B155679 People (Not for Publication)
v.
Robles and Dominguez

The judgment against Dominguez is amended to strike the gang and firearm enhancements in connection with count 4 and reflect that the firearm enhancement to counts 1 through 3 is pursuant to sections 12022.53, subdivision (c). The judgment against Robles is amended to strike the gang enhancement in connection with count 4. The trial court is directed to accordingly modify the abstract of judgments as indicated in part V of this opinion. The judgments are otherwise affirmed.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

DIVISION TWO (Continued)

B165425 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Robert M.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Doi Todd, J.

DIVISION THREE

B164001 Los Angeles County, D.C.S. (Not for Publication)
 v.
 A.H.

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B164788 Los Angeles County, D.C.S. (Not for Publication)
 v.
 R.E. and Q.E.

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

September 23, 2003 (Continued)

DIVISION THREE (Continued)

B160898 Allied Government Services (Not for Publication)
 v.
 City of Lynwood

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B159439 People (Not for Publication)
 v.
 Ortega

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B160522 People v. Olivares (Not for Publication)
B167012 In Re Olivares on Habeas Corpus

The judgment is affirmed. Olivares's petition for writ of habeas corpus is denied.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

September 23, 2003 (Continued)

DIVISION THREE (Continued)

B162157 People (Not for Publication)
v.
Flores

The judgment is modified to reflect 357 days of presentence custody credit consisting of 311 days of actual custody and 47 days of conduct credit and, as so modified, affirmed. The clerk of the superior court shall prepare and forward to the Department of Corrections an amended abstract of judgment.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B163654 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B162931 People (Not for Publication)
v.
Menefield

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

September 23, 2003 (Continued)

DIVISION THREE (Continued)

B162426 People (Not for Publication)
v.
De Los Santos

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B157603 Roger K. Light, et al.
v.
AT&T Wireless Services, Inc., et al.

Filed order vacating submission order of Sept. 17, 2003. Pending additional briefing as requested below by this Court. Upon the filing of appellants' reply, the matter shall stand submitted.

B165593 The People
v.
Superior Court, Los Angeles County
(Joseph Warren Rohn, et al., r.p.i.)

Filed order vacating submission order of June 18, 2003. pending additional briefing requested by this Court.. As of Monday, Oct. 20, 2003, the last day upon which respondent may file a response to petitioner's supplemental briefing, the matter shall stand submitted.

DIVISION FOUR

B159898 People (Not for Publication)
v.
Gurrola

The judgment is reversed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

September 23, 2003 (Continued)

DIVISION FOUR (Continued)

B156926 People (Certified for Publication)
v.
Aguilar, et al.

The appeals are dismissed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B167309 Ochoa, et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Northridge Hospital Medical Center et al., r.p.i.)

The petition for writ of mandate is granted. The trial court is directed to vacate its order denying petitioners' motion to file a first amended complaint naming Dr. Ong and Dr. Anwar as defendants and to enter a new order allowing the filing of the first amended complaint. The trial court is also directed to vacate its order setting trial for November 12, 2003 and any other pending deadlines to accommodate the addition of the new defendants. Petitioners are to bear their costs in this proceeding.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B161442 Arthur Hathaway (Not for Publication)
v.
County of Los Angeles, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION FIVE (Continued)

B158798 Margaret L. Debevec (Not for Publication)
 v.
 Grill Concepts Inc., et al.

The judgment is affirmed. Respondents to recover costs.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

B164048 People (Not for Publication)
 v.
 Jamal Turner

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B160492 Shaina K. (Not for Publication)
 v.
 Does 1 to 100

The judgment is reversed. Appellant(s) to recover costs.

Mosk, J.

I concur: Turner, P.J.
I dissent: Grignon, J. (Opinion)

September 23, 2003 (Continued)

DIVISION SIX

B164080 Diestel v. Templeton (Not for Publication)

The judgment is affirmed. Respondent is awarded costs on appeal.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B163394 People (Not for Publication)
v.
Flucas

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B158475 Duron (Not for Publication)
v.
Chatelet

The order is affirmed. Parties to bear their own costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (Continued)

B161104 Palmer (Not for Publication)
v.
Harden

The restraining order is affirmed. Harden is to bear costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B165339 Richard (Not for Publication)
v.
Drehse

The judgment is reversed. The Richards are awarded their costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B163978 Alfred L. Filippini, Ph.D. & Associates, Inc. (Not for Publication)
v.
Fuller

The order of the trial court is affirmed. Costs are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

September 23, 2003 (Continued)

DIVISION SIX (Continued)

B163517 People v. Ortega (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B161483 People (Not for Publication)
v.
Ickes

Accordingly, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B160762 People (Not for Publication)
v.
Moss

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B159764 People
v.
Moreno

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B163404 Conrad
 v.
 Rosenthal

Filed order denying petition for rehearing.

B160849 Hennessy
 v.
 Cornell

Filed order denying appellant's motion for reinstatement.